

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Charis Jones	Team: Squad #4	CCRB Case #: 201909954	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 11/06/2019 1:30 PM	Location of Incident: East 146th Street and Saint Ann Avenue	Precinct: 40	18 Mo. SOL 5/6/2021	EO SOL 12/21/2021	
Date/Time CV Reported Thu, 11/07/2019 11:17 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 11/15/2019 9:08 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Jose Cordero	14899	956547	PSA 7
2. POM Jimmy Perez	08269	941242	PSA 7

Officer(s)	Allegation	Investigator Recommendation
A.POM Jose Cordero	Abuse: Police Officer Jose Cordero stopped § 87(2)(b)	
B.POM Jimmy Perez	Abuse: Police Officer Jimmy Perez stopped § 87(2)(b)	
C.POM Jimmy Perez	Abuse: Police Officer Jimmy Perez questioned § 87(2)(b)	
D.POM Jose Cordero	Abuse: Police Officer Jose Cordero searched § 87(2)(b)	
E.POM Jimmy Perez	Abuse: Police Officer Jimmy Perez searched § 87(2)(b)	
F.POM Jose Cordero	Abuse: Police Officer Jose Cordero frisked § 87(2)(b)	
G.POM Jimmy Perez	Abuse: Police Officer Jimmy Perez frisked § 87(2)(b)	
H.POM Jose Cordero	Abuse: Police Officer Jose Cordero failed to provide § 87(2)(b) with a business card.	
I.POM Jimmy Perez	Abuse: Police Officer Jimmy Perez failed to provide § 87(2)(b) with a business card.	

Case Summary

On November 7, 2019, § 87(2)(b) called IAB and filed this complaint, generating original log # 19-40326. The CCRB received this case on November 15, 2019.

On November 6, 2019, at approximately 1:30 p.m., at the corner of East 146th Street and Saint Ann Avenue in the Bronx, Police Officer Jose Cordero and Police Officer Jimmy Perez (assigned to PSA 7) allegedly stopped § 87(2)(b) (**Allegation A and B: Abuse of Authority, § 87(2)(g)**). PO Perez allegedly asked § 87(2)(b) if he had anything sharp on him (**Allegation C: Abuse of Authority, § 87(2)(g)**). PO Perez and PO Cordero then allegedly searched and frisked § 87(2)(b) (**Allegation D-G: Abuse of Authority, § 87(2)(g)**). PO Cordero and PO Perez failed to provide § 87(2)(b) with a business card (**Allegations H and I: Abuse of Authority, § 87(2)(g)**).

No arrests were made nor were any summons issued as a result of this incident.

There is no video evidence regarding this incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Jose Cordero stopped § 87(2)(b)
Allegation (B) Abuse of Authority: Police Officer Jimmy Perez stopped § 87(2)(b)
Allegation (C) Abuse of Authority: Police Officer Jimmy Perez questioned § 87(2)(b)
Allegation (D) Abuse of Authority: Police Officer Jose Cordero searched § 87(2)(b)
Allegation (E) Abuse of Authority: Police Officer Jimmy Perez searched § 87(2)(b)
Allegation (F) Abuse of Authority: Police Officer Jose Cordero frisked § 87(2)(b)
Allegation (G) Abuse of Authority: Police Officer Jimmy Perez frisked § 87(2)(b)
Allegation (H) Abuse of Authority: Police Officer Jose Cordero failed to provide § 87(2)(b) with a business card.
Allegation (I) Abuse of Authority: Police Officer Jimmy Perez failed to provide § 87(2)(b) with a business card.

§ 87(2)(b) (Board Review 01) testified that he was walking southbound on Saint Anne's Avenue when PO Perez and PO Cordero approached him. PO Cordero said, § 87(2)(b). § 87(2)(b) recognized PO Cordero as the officer who arrested him for § 87(2)(b) nine months prior. PO Cordero told § 87(2)(b) that he had an open warrant. § 87(2)(b) asked PO Cordero what the warrant was for and PO Cordero said it pertained to his arrest. § 87(2)(b) told PO Cordero that he had already gone to court and that the charges had been dismissed. PO Perez asked § 87(2)(b) if he had any needles or sharp objects in his pockets. § 87(2)(b) said no and put his hands above his head voluntarily. PO Perez went into § 87(2)(b)'s sweatshirt pocket and right pants pocket and removed § 87(2)(b)'s keys. PO Perez then pat down the right interior side of § 87(2)(b)'s torso. Simultaneously, PO Cordero went into § 87(2)(b)'s left pants pocket where he had some loose change and dollar bills. PO Cordero then felt around § 87(2)(b)'s waistband. PO Perez and PO Cordero then walked back to their car and drove away. This interaction lasted approximately 15 seconds.

PO Cordero (Board Review 02) testified that § 87(2)(b) approached him and said, "Officer Cordero." PO Cordero did not recognize § 87(2)(b) but asked § 87(2)(b) how he was doing. § 87(2)(b) replied, "Officer I have a warrant from the time you arrested me for marijuana" and asked if PO Cordero could check to see if he had any open warrants. PO Cordero took out his phone to search for any active warrants. While PO Cordero waited for the results to load, he and § 87(2)(b) had a "pleasant" conversation about § 87(2)(b)'s newly renovated kitchen. PO Cordero then told § 87(2)(b) that he did not have any open warrants. § 87(2)(b) insisted that he did because he had not gone to court for his arrest. PO Cordero told § 87(2)(b) again that he did not have any open warrants. § 87(2)(b) then walked away. PO Cordero did not stop § 87(2)(b).

§ 87(2)(b) had initiated the interaction and was free to leave at any time. PO Cordero did not recall if PO Perez asked § 87(2)(b) if he had any needles or sharp objects on his person. PO Cordero did not recall if he and PO Perez frisked § 87(2)(b). PO Cordero denied that he or PO Perez searched § 87(2)(b). PO Cordero stated that he did not need to provide § 87(2)(b) with a business card because their interaction did not constitute “police action.” In addition, § 87(2)(b) already knew who he was because he said his name at the beginning of the interaction.

PO Perez’s (Board Review 03) testimony was consistent with PO Cordero’s. PO Perez did not interact with § 87(2)(b) at any point during this interaction. He did not ask § 87(2)(b) if he had any needles or sharp objects in his pocket. § 87(2)(b) was not stopped because he had approached PO Cordero. PO Perez denied frisking and searching § 87(2)(b). PO Perez could not recall if PO Cordero search and frisked § 87(2)(b). PO Perez did not provide § 87(2)(b) with a business card because the interaction was a “non-incident.”

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 04).
- PO Cordero has been a member-of-service for five years and has been named a subject in seven cases and 20 allegations, of which three were substantiated.
 - 201702059 involved a substantiated allegation of a frisk against PO Cordero. The Board recommended Command Level Instructions and the NYPD imposed Formalized Training.
 - 201706354 involved substantiated allegations of retaliatory summons and a vehicle search. The Board recommended Charges and the NYPD has not yet imposed discipline.
- PO Perez has been a member-of-service for 13 years and has been named a subject in six cases and 11 allegations, one of which was substantiated.
 - 201606548 involved a substantiated allegation of physical force against PO Perez. The Board recommended Command Discipline A and the NYPD imposed Formalized Training.

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- On February 21, 2020, a Notice of Claim FOIL request was sent to the New York City Comptroller’s office. The results will be added to the case file upon receipt.

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date